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LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



December 30, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

SECURED COMMUNITIES DETAINER REPORT BACK

This correspondence is in response to your Board's request on December 20, 2011, for the Los Angeles County Sheriff's Department (Department) to immediately develop a protocol to investigate any claims of United States citizenship made by persons held in custody as result of a Department of Homeland Security Immigration and Customs Enforcement (ICE) detainer and, if the claim is determined to be valid, work with ICE to ensure expeditious removal of the detainer.

The Department agrees that protocols and procedures expediting the release of United States citizens improperly held on ICE detainers are mandated. The Department has implemented an interim procedure, which requires that any Department employee receiving notice of an inmate claiming United States citizenship when they are detained by an ICE hold shall immediately contact the Inmate Reception Center (IRC) Watch Commander. The IRC Watch Commander shall immediately contact the on-duty ICE representative. ICE has provided the Department with 24/7 operational phone numbers and has assured the Department that, upon notification by the Department, they will expeditiously investigate the detainee's claim. The results of the ICE investigation shall be transmitted to the IRC Watch Commander and if the hold is released by ICE and there are no other open charges, the inmate shall be immediately processed for release.

On December 27, 2011, ICE informed the Department of a revised detainer form (Advisement) and a letter requesting arresting agencies to provide a copy of the Advisement to the detainee, copies of which are enclosed for your reference.

A Tradition of Service

Prior to ICE's revised detainer form and their request for notice, there was no formalized method to advise the detainee of an ICE hold. The Department will immediately comply with ICE's request to provide all individuals in our custody with a written copy of the ICE detainer in a timely manner.

If you have questions, please contact Chief Alexander R. Yim, Correctional Services Division, at (213) 893-5017.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leroy D. Baca". The signature is written in dark ink and is positioned above the printed name and title.

LEROY D. BACA
SHERIFF

U.S. Department of Homeland Security
300 N. Los Angeles St. Room 7631A
Los Angeles, CA 90012



U.S. Immigration and Customs Enforcement

Dear Law Enforcement Partners,

Attached please find information about the revised immigration detainer form that U.S. Immigration and Customs Enforcement (ICE) began using on December 26, 2011. An immigration detainer (Form I-247) is a notice that DHS issues to another law enforcement agency (LEA) to inform the LEA that ICE intends to assume custody of an individual in the LEA's custody. A detainer serves as a request that the LEA notify ICE before releasing an alien and maintain custody of the subject for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, to allow ICE to assume custody. The agency's underlying authority for lodging a detainer is found in federal regulation 8 C.F.R. § 287.7(d), which states that, "[u]pon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien."

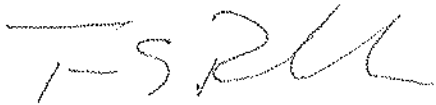
Detainers are critical for ICE to achieve its mission to identify and remove criminal aliens and others who have no legal right to remain in the United States. Without the cooperation of our state and local law enforcement partners and the use of detainers, ICE could not effectively identify and remove criminal aliens before they are released into our communities. Detainers are an important public safety tool, particularly in light of recidivism rates.

The primary changes to the revised I-247 detainer form are as follows:

- The revised detainer form requests that the LEA provide to the subject of the detainer a copy of the detainer form and a notice advising the detainee that DHS intends to assume custody. The notice contains translations into Spanish, French, Portuguese, Chinese, and Vietnamese.
- The revised detainer form also emphasizes that LEAs may only hold an alien for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays). If you have any concerns about this time period, please contact my office.
- The revised detainer form underscores that the existence of a detainer is not intended to limit or influence an LEA's discretion with respect to an individual's custody classification, work, quarter assignments, or other matters.
- Phone numbers are included if a law enforcement agency needs an individual to remain in the United States as a witness, and for the detainee to call if he/she has complaints or believes he/she is a victim of a crime or believes that he/she is a United States citizen.

Thank you for taking the time to review the attached materials. Please let my office know if you have any questions or if you would like to talk about the new detainer form further. My Chief of Staff, James Pilkington, can be reached at (213) 830-7929. Additionally, I will be reaching out to you in the coming days to thank you for your cooperation with this new and important initiative.

Thank you in advance,

A handwritten signature in black ink, appearing to read 'TSR' followed by a stylized flourish.

Timothy S. Robbins
Field Office Director
ICE Enforcement & Removal Operations – Los Angeles

Attachments:
New Detainer Form
Frequently Asked Questions



U.S. Immigration
and Customs
Enforcement

December 2011

Fact Sheet

ICE Detainers: Frequently Asked Questions

Q1: What is an immigration detainer?

A1: An immigration detainer (Form I-247) is a notice that DHS issues to federal, state and local law enforcement agencies (LEAs) to inform the LEA that ICE intends to assume custody of an individual in the LEA's custody.

An immigration detainer serves three key functions: 1) to notify an LEA that ICE intends to assume custody of an alien in the LEA's custody once the alien is no longer subject to the LEA's detention; 2) to request information from an LEA about an alien's impending release so ICE may assume custody before the alien is released from the LEA's custody; and 3) to request that the LEA maintain custody of an alien who would otherwise be released for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) to provide ICE time to assume custody.

Q2: Why does ICE issue detainers?

A2: Detainers are critical for ICE to be able to identify and ultimately remove criminal aliens who are currently in federal, state or local custody.

ICE relies on the cooperation of our state and local law enforcement partners in this effort.

Q3: What if the LEA needs the individual to remain in the United States for prosecution or other law enforcement purposes?

A3: Local law enforcement agencies (LEAs) are advised that once individuals are in ICE custody, they may be removed from the United States. If the LEA wants an individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, the agency should notify the local Field Office or the ICE Law Enforcement Support Center at (802) 872-6020.

Q4: Where does ICE's authority to issue a detainer stem from?

A4: By issuing a detainer, ICE requests that a law enforcement agency notify ICE before releasing an alien and maintain custody of the subject for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays, to allow ICE to assume custody. This request flows from federal regulations at 8 C.F.R. § 287.7, which arises from the Secretary's power under the Immigration and Nationality Act § 103(a)(3), 8 U.S.C. 1103(a)(3), to issue "regulations . . . necessary to carry out [her] authority" under the INA, and from ICE's general authority to detain individuals who are subject to removal or removal proceedings.

Q6: What has been changed on the I-247 form?

A6: The new I-247 form requests that the LEA provide to the subject of the detainer a copy of the detainer form and a notice advising him or her that ICE intends to assume custody. The notice informs these individuals that ICE has requested the LEA to maintain custody beyond the time when they would have been released by the state or local law enforcement authorities based on their criminal charges or convictions. The notice contains translations into Spanish, French, Portuguese, Chinese, and Vietnamese.

The new I-247 form also emphasizes that local law enforcement agencies (LEAs) may only hold an alien for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays).

Q7: What happens if ICE does not assume custody of the individual after 48 hours?

A7: If ICE does not assume custody after 48 hours (excluding weekends and holidays), the local law enforcement agency (LEA) is required to release the individual. The LEA may not lawfully hold an individual beyond the 48-hour period.

Q8: What if the subject of the detainer believes that he or she has been held beyond the 48 hours, or has a complaint?

A8: The Notice to the Detainee advises individuals that if ICE does not take them into custody during the 48 hours, they should contact the LEA or entity that is holding them to inquire about their release from state or local custody.

If the individual has a complaint regarding the detainer or violations of civil rights or civil liberties connected to DHS activities, he or she should contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253).

Q9: What happens if a detainer is placed on a victim of a crime or a U.S. citizen?

A9: If the local law enforcement agency (LEA) believes the individual may be the victim of a crime or a U.S. citizen, the LEA should notify the ICE Law Enforcement Support Center at (802) 872-6020.

If the subject of the detainer believes that he or she is a victim of a crime or a U.S. citizen, that individual should advise DHS by calling the ICE Law Enforcement Support Center at the following toll-free number (855) 448-6903.

ICE

U.S. Immigration and Customs Enforcement (ICE) is the largest investigative arm of the Department of Homeland Security. ICE is a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities. For more information, visit: www.ICE.gov. To report suspicious activity, call 1-866-347-2423.

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID:
Event #:

File No:
Date:

TO: (Name and Title of Institution - OR Any Subsequent Law
Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: _____

Date of Birth: _____ Nationality: _____ Sex: _____

**THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION
RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:**

- ☐ Initiated an investigation to determine whether this person is subject to removal from the United States.
- ☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____.
(Date)
- ☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____.
(Date)
- ☐ Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- ☐ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency "shall maintain custody of an alien" once a detainer has been issued by DHS. **You are not authorized to hold the subject beyond these 48 hours.** As early as possible prior to the time you otherwise would release the subject, please notify the Department by calling _____ during business hours or _____ after hours or in an emergency. If you cannot reach a Department Official at these numbers, please contact the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- ☐ Provide a copy to the subject of this detainer.
- ☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☐ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- ☐ Consider this request for a detainer operative only upon the subject's conviction.
- ☐ Cancel the detainer previously placed by this Office on _____.
(Date)

(Name and title of Immigration Officer)

(Signature of Immigration Officer)

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF
THIS NOTICE:**

Please provide the information below, sign, and return to the Department using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking or Inmate # _____ Date of latest criminal charge/conviction: _____

Last criminal charge/conviction: _____

Estimated release date: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

(Name and title of Officer)

(Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice from DHS informing law enforcement agencies that DHS intends to assume custody of you after you otherwise would be released from custody. DHS has requested that the law enforcement agency which is currently detaining you maintain custody of you for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) beyond the time when you would have been released by the state or local law enforcement authorities based on your criminal charges or convictions. If DHS does not take you into custody during that additional 48 hour period, not counting weekends or holidays, you should contact your custodian (the law enforcement agency or other entity that is holding you now) to inquire about your release from state or local custody. If you have a complaint regarding this detainer or related to violations of civil rights or civil liberties connected to DHS activities, please contact the ICE Joint Intake Center at 1-877-2INTAKE (877-246-8253). If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) de EE. UU. ha emitido una orden de detención migratoria en su contra. Mediante esta orden, se notifica a los organismos policiales que el DHS pretende arrestarlo cuando usted cumpla su reclusión actual. El DHS ha solicitado que el organismo policial local o estatal a cargo de su actual detención lo mantenga en custodia por un periodo no mayor a 48 horas (excluyendo sábados, domingos y días festivos) tras el cese de su reclusión penal. Si el DHS no procede con su arresto migratorio durante este periodo adicional de 48 horas, excluyendo los fines de semana o días festivos, usted debe comunicarse con la autoridad estatal o local que lo tiene detenido (el organismo policial u otra entidad a cargo de su custodia actual) para obtener mayores detalles sobre el cese de su reclusión. Si tiene alguna queja que se relacione con esta orden de detención o con posibles infracciones a los derechos o libertades civiles en conexión con las actividades del DHS, comuníquese con el Joint Intake Center (Centro de Admisión) del ICE (Servicio de Inmigración y Control de Aduanas) llamando al 1-877-2INTAKE (877-246-8253). Si usted cree que es ciudadano de los Estados Unidos o que ha sido víctima de un delito, infórmele al DHS llamando al Centro de Apoyo a los Organismos Policiales (Law Enforcement Support Center) del ICE, teléfono (855) 448-6903 (llamada gratuita).

Avis au détenu

Le département de la Sécurité Intérieure [Department of Homeland Security (DHS)] a émis, à votre rencontre, un ordre d'incarcération pour des raisons d'immigration. Un ordre d'incarcération pour des raisons d'immigration est un avis du DHS informant les agences des forces de l'ordre que le DHS a l'intention de vous détenir après la date normale de votre remise en liberté. Le DHS a requis que l'agence des forces de l'ordre, qui vous détient actuellement, vous garde en détention pour une période maximum de 48 heures (excluant les samedis, dimanches et jours fériés) au-delà de la période à la fin de laquelle vous auriez été remis en liberté par les autorités policières de l'État ou locales en fonction des inculpations ou condamnations pénales à votre rencontre. Si le DHS ne vous détient pas durant cette période supplémentaire de 48 heures, sans compter les fins de semaines et les jours fériés, vous devez contacter votre gardien (l'agence des forces de l'ordre qui vous détient actuellement) pour vous renseigner à propos de votre libération par l'État ou l'autorité locale. Si vous avez une plainte à formuler au sujet de cet ordre d'incarcération ou en rapport avec des violations de vos droits civils liées à des activités du DHS, veuillez contacter le centre commun d'admissions du Service de l'immigration et des Douanes [ICE - Immigration and Customs Enforcement] [ICE Joint Intake Center] au 1-877-2INTAKE (877-246-8253). Si vous croyez être un citoyen des États-Unis ou la victime d'un crime, veuillez en aviser le DHS en appelant le centre d'assistance des forces de l'ordre de l'ICE [ICE Law Enforcement Support Center] au numéro gratuit (855) 448-6903.

AVISO AO DETENTO

O Departamento de Segurança Nacional (DHS) emitiu uma ordem de custódia migratória em seu nome. Este documento é um aviso enviado às agências de imposição da lei de que o DHS pretende assumir a custódia da sua pessoa, caso seja liberado. O DHS pediu que a agência de imposição da lei encarregada da sua atual detenção mantenha-o sob custódia durante, no máximo, 48 horas (excluindo-se sábados, domingos e feriados) após o período em que seria liberado pelas autoridades estaduais ou municipais de imposição da lei, de acordo com as respectivas acusações e penas criminais. Se o DHS não assumir a sua custódia durante essas 48 horas adicionais, excluindo-se os fins de semana e feriados, você deverá entrar em contato com o seu custodiante (a agência de imposição da lei ou qualquer outra entidade que esteja detendo-o no momento) para obter informações sobre sua liberação da custódia estadual ou municipal. Caso você tenha alguma reclamação a fazer sobre esta ordem de custódia migratória ou relacionada a violações dos seus direitos ou liberdades civis decorrente das atividades do DHS, entre em contato com o Centro de Entrada Conjunta da Agência de Controle de Imigração e Alfândega (ICE) pelo telefone 1-877-246-8253. Se você acreditar que é um cidadão dos EUA ou está sendo vítima de um crime, informe o DHS ligando para o Centro de Apoio à Imposição da Lei do ICE pelo telefone de ligação gratuita (855) 448-6903.

**THÔNG BÁO CHO NGƯỜI BỊ GIAM
GIỮ**

Bộ Quốc Phòng (DHS) đã có lệnh giam giữ quý vị vì lý do di trú. Lệnh giam giữ vì lý do di trú là thông báo của DHS cho các cơ quan thi hành luật pháp là DHS có ý định tạm giữ quý vị sau khi quý vị được thả. DHS đã yêu cầu cơ quan thi hành luật pháp hiện đang giữ quý vị phải tiếp tục tạm giữ quý vị trong không quá 48 giờ đồng hồ (không kể thứ Bảy, Chủ nhật, và các ngày nghỉ lễ) ngoài thời gian mà lẽ ra quý vị sẽ được cơ quan thi hành luật pháp của tiểu bang hoặc địa phương thả ra dựa trên các bản án và tội hình sự của quý vị. Nếu DHS không tạm giam quý vị trong thời gian 48 giờ bổ sung đó, không tính các ngày cuối tuần hoặc ngày lễ, quý vị nên liên lạc với bên giam giữ quý vị (cơ quan thi hành luật pháp hoặc tổ chức khác hiện đang giam giữ quý vị) để hỏi về việc cơ quan địa phương hoặc liên bang thả quý vị ra. Nếu quý vị có khiếu nại về lệnh giam giữ này hoặc liên quan tới các trường hợp vi phạm dân quyền hoặc tự do công dân liên quan tới các hoạt động của DHS, vui lòng liên lạc với ICE Joint Intake Center tại số 1-877-2INTAKE (877-246-8253). Nếu quý vị tin rằng quý vị là công dân Hoa Kỳ hoặc nạn nhân tội phạm, vui lòng báo cho DHS biết bằng cách gọi ICE Law Enforcement Support Center tại số điện thoại miễn phí (855) 448-6903.

对被拘留者的通告

美国国土安全部 (DHS) 已发出对你的移民监禁令。移民监禁令是美国国土安全部用来通告执法当局, 表示美国国土安全部意图在你可能从当前的拘留被释放以后继续拘留你的通知单。美国国土安全部已经向当前拘留你的执法当局要求, 根据对你的刑事起诉或判罪的基础, 在本当由州或地方执法当局释放你时, 继续拘留你, 为期不超过 48 小时 (星期六、星期天和假日除外)。如果美国国土安全部未在不计周末或假日的额外 48 小时期限内将你拘留, 你应该联系你的监管单位 (现在拘留你的执法当局或其他单位), 询问关于你从州或地方执法单位被释放的事宜。如果你对于这项拘留或关于美国国土安全部的行动所涉及的违反民权或公民自由权有任何投诉, 请联系美国移民及海关执法局联合接纳中心 (ICE Joint Intake Center), 电话号码是 1-877-2INTAKE (877-246-8253)。如果你相信你是美国公民或犯罪被害人, 请联系美国移民及海关执法局的执法支援中心 (ICE Law Enforcement Support Center), 告知美国国土安全部。该执法支援中心的免费电话号码是 (855) 448-6903。



STEVE COOLEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

January 5, 2012

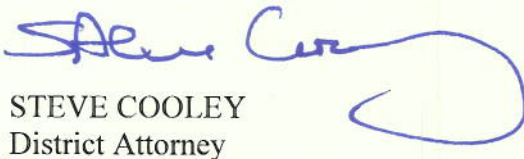
Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

On December 20, 2011, your Board requested that the District Attorney work with Immigration and Customs Enforcement (ICE) to seek the immediate removal of ICE detainees in appropriate circumstances and report to you on existing protocols for investigating claims of citizenship made by persons held in the county's custody as a result of an ICE detainer.

The ability to conduct such investigations, and the responsibility for doing so, lies with the appropriate law enforcement agency. The District Attorney's Office has no role in this function. However, should evidence of an invalid detainer be presented to the court, the District Attorney's Office will cooperate as necessary to see that any such error is corrected.


Very truly yours,


STEVE COOLEY
District Attorney

sjm

c: Chief Executive Officer
Executive Office of the Board
County Counsel

TO: The Honorable Board of Supervisors
County of Los Angeles

FROM: Ronald Brown
Public Defender 

DATE: January 6, 2012

SUBJECT: Immigration Detainers - Supplemental Memorandum



Board Motion

On December 20, 2011, Supervisor Gloria Molina moved the Board of Supervisors to request that Sheriff Baca develop a protocol within the Sheriff's Department to immediately investigate any claims of citizenship made by persons held in the County's custody as a result of an ICE detainer and, if valid, to work with Immigration and Customs Enforcement (ICE) to remove such detainees immediately; Sheriff Baca was requested to report to the Board in writing by December 30, 2011 on this protocol. Supervisor Molina further moved that in addition to the Sheriff's Department, if the Public Defender and/or the District Attorney learn that an immigration detainer has been placed on a citizen, each office shall work with ICE to seek the immediate removal of such a detainer; the Public Defender and the District Attorney were requested to report to the Board in writing by December 30, 2011 on their respective protocols. The following is a supplemental memorandum following my report to the Board dated December 21, 2011 wherein I described the Public Defender's process in dealing with Immigration detainees and the Office's efforts to lift unlawfully issued detainees.

Secured Communities Detainers

On January 3, 2012, I reviewed the Los Angeles County Sheriff's Department protocol describing the process Sheriff's staff are to follow when any claims of United States citizenship are made by persons held in custody as result of a Department of Homeland Security Immigration and Customs Enforcement (ICE) detainer and how to work with ICE to ensure expeditious removal of the detainer. On January 5, 2012, I met with Sheriff Lee Baca and thoroughly discussed the procedure that he outlined in his report back to the Board relating to Secured Communities Detainers and agreed upon the procedures to be followed in the event of an unlawful detainer.

I have instructed my staff to immediately communicate with the Inmate Reception Center (IRC) Watch Commander when we believe that one of our clients is being illegally held pursuant to an ICE detainer. I am hopeful that our mutual understanding of the process to be followed will address the concerns I expressed earlier in my December 21st report to the Board.

cc: Sachi Hamai
Executive Office

cc: Andrea Ordin
County Counsel